

REMARKS/ARGUMENTS

Claims 1-3 and 5-19 are currently pending in the above-referenced application. Entry and consideration of this paper is respectfully requested. Applicant hereby acknowledges the Office Communication dated March 22, 2005, and thanks the Examiner for this Communication.

In the Office Action, the Examiner rejected the currently pending claims. Applicant respectfully traverses the Office Action, including the rejections, the Examiner's factual determinations, and the Examiner's arguments, for at least the reasons set forth below.

Response to Rejection Under 35 U.S.C. §101

Claims 12-19 are rejected under 35 U.S.C. §101 because the Examiner asserted that the claimed invention is directed to non-statutory subject matter. In making the rejection, the Examiner recommended that positive recitation of a computer or other technology within the body of the claim. Applicant thanks the Examiner for the recommendation, and respectfully traverses the rejection. Applicant calls to the Examiner's attention the fact that a database is recited in independent claim 12, and that the use of "push" technology is also recited therein. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

Response to Rejection Under 35 U.S.C. §112

The Examiner also rejected Claims 12-19 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserted in claim 12, Applicant appears to be claiming the "decrementing" step on all shipments, and not just shipments of "reserved" inventory. Applicant respectfully traverses the rejection. Applicant calls the Examiner's attention to paragraphs [0017] and [0018] of the application as published. In paragraph [0017], Applicant explained "Items for which such electronically readable codes are present may be accounted for through manual data entry or other, similar means. Such manual and electronic accounting may result in reductions of quantities on-hand and on-reserve as reflected in an inventory." (emphasis added). In paragraph [0018], Applicant explained that "When an order is submitted, as illustrated in FIG. 1 by Block 100 ("Wine Ordered 100"), an automatic change to appropriate inventory totals may be made, as illustrated by Block 110 ("Product Total 110")" (emphasis added). Having provided support

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for the recited limitations, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

The Examiner also rejected claims under 35 U.S.C. §112 2nd paragraph; however, it is unclear whether the Examiner intended to reject Claims 2 and 12-19, or Claims 4 and 12-19, as paragraph 11 of the Office Action conflicts with sub-paragraphs a and b. For the purposes of this Response, it is assumed that the Examiner intended to reject Claims 4 and 12-19. Applicant respectfully reserves the right to amend or withdraw arguments made herein in the event Applicant's assumption is incorrect. Applicant thanks the Examiner for pointing out the inadvertent use of the incorrect status identifier with respect to Claim 4, and Applicant has made the necessary correction in the listing of claims that accompanies this Response. With respect to the rejection of Claims 12-19, Applicant respectfully traverses the rejection. Applicant is uncertain why the Examiner insists that the decrementing step is unclear, when the Examiner's interpretation in the last sentence of sub-paragraph b of paragraph 11 on Page 4 provides the correct interpretation of the claim element, and no alternative interpretation is provided. Applicant also reasserts the arguments set forth in the previous paragraph with respect to the language in this element. Having shown that the language in the decrementing step is not indefinite, Applicant respectfully requests that the Examiner withdraw the rejection.

Response to Rejection Under 35 U.S.C. §102

The Examiner rejected Claims 1-19 under 35 U.S.C. §102(e) as being anticipated by Salvo et al., U.S. Patent No. 6,341,271 (hereafter "Salvo"); Johnson et al, U.S. Patent No. 5,712,989 (hereafter "Johnson"); and Peterson et al., U.S. Patent No. 6,324,522 (hereafter "Peterson"). Applicant respectfully traverses the Examiner's rejection. Applicant also asserts that the Examiner's rejections with respect to Johnson and Peterson were vague, arbitrary, and capricious, and do not provide a solid grounds upon which Applicant can accurately respond. The Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of **each and every element of the claimed invention, arranged as in the claim.**" Lindemann Maschinenfabrik Gmbh v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). In this case, the Examiner has not shown where each element can be

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found in the references, and Applicant asserts that each and every element of the claimed invention, arranged as in the claim, cannot be found in the cited references. Applicant therefore respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(e) over Johnson and Peterson.

Applicant also asserts that the disclosures in Johnson and/or Peterson would not enable one of ordinary skill in the art to make or practice Applicant's claimed invention. As the Court of Appeals for the Federal Circuit stated in Elan Pharmaceuticals, Inc. v. Mayo Foundation for Medical Educ. and Research, 346 F.3d 1051 (Fed.Cir. 2003), "The disclosure in an assertedly anticipating reference must be adequate to enable possession of the desired subject matter. It is insufficient to name or describe the desired subject matter, if it cannot be produced without undue experimentation. The principles underlying application of the criteria of enablement to the content of the prior art were discussed in In re Donohue, 766 F.2d 531 (Fed.Cir.1985): "It is well settled that prior art ... must sufficiently describe the claimed invention to have placed the public in possession of it. Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention. Accordingly, even if the claimed invention is disclosed in a printed publication, that disclosure will not suffice as prior art if it is not enabling. It is not, however, necessary that an invention disclosed in a publication shall have actually been made in order to satisfy the enablement requirement." Id. at 533. See also, In re Borst, 52 C.C.P.A. 1398, 345 F.2d 851, 855, 145 USPQ 554, 557 (1962) ("the disclosure must be such as will give possession of the invention to the person of ordinary skill. Even the act of publication or the fiction of constructive reduction to practice will not suffice if the disclosure does not meet this standard."). Therefore, to be an enabling, and therefore an anticipatory reference, a reference cited by the Examiner must enable one of ordinary skill in the art to make or practice the invention without undue experimentation, as evaluated based on the knowledge of one of ordinary skill in the art as of Applicant's priority date. Applicant asserts that Johnson and/or Peterson would not be sufficient to enable one of ordinary skill in the art to make or practice Applicant's invention. In support of Applicant's position, Applicant has attached the declarations of Jas Kalsi, Wallace E. Reeves, and Roy Rubin, each of which are incorporated herein by reference in their entirety. Each declarant

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had at least the level of knowledge associated with one of ordinary skill in the art at the time Applicant's invention was made, and each declarant has asserted that one of ordinary skill in the art at the time the invention was made would not have been able to use the disclosure in Johnson and/or Peterson to build a system such as that recited in Applicant's claims.

Declarants' assertion is based in part on the fact that neither Johnson nor Peterson teaches pushing inventory information to a client to enable real-time access to inventory information stored in an inventory database. Therefore, Johnson and/or Peterson would not enable one of ordinary skill in the art to make or practice Applicant's claimed invention, and Applicant respectfully requests that the Examiner withdraw the rejection.

With respect to Salvo, the Examiner has overlooked language in the claims that clearly distinguishes the claims over the prior art references. As set forth above, the Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of **each and every element of the claimed invention, arranged as in the claim.**" Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Thus, for Salvo to anticipate the claimed invention, Salvo must teach each and every element of the claimed invention, arranged as in the claim. However, the Examiner has not shown that Salvo meets these requirements. In making the rejection, the Examiner has overlooked language contained in the independent claims that is not present in Salvo. Such language includes the "server provides real-time access to inventory information stored in the database by pushing inventory information to at least one client" element from Claim 1, and "pushing at least one inventory item quantity to a client in real time as an inventory item quantity changes, as reflected in the inventory database" of Claim 11. Applicant is uncertain why, in paragraphs 33 and 41 of the Office Action, the Examiner asserts that this language is not present in the claims, however Applicant respectfully calls the Examiner's attention to this language, asserts that such language is sufficient to distinguish Applicant's claims over Salvo under 35 U.S.C. §102(e), and therefore requests that the Examiner withdraw the rejection.

Applicant also asserts that the disclosure in Salvo would not enable one of ordinary skill in the art to make or practice Applicant's claimed invention. As the Court of Appeals for the Federal Circuit stated in Elan Pharmaceuticals, Inc. v. Mayo Foundation for Medical

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Educ. and Research, 346 F.3d 1051 (Fed.Cir. 2003), "The disclosure in an assertedly anticipating reference must be adequate to enable possession of the desired subject matter. It is insufficient to name or describe the desired subject matter, if it cannot be produced without undue experimentation. The principles underlying application of the criteria of enablement to the content of the prior art were discussed in In re Donohue, 766 F.2d 531 (Fed.Cir.1985): "It is well settled that prior art ... must sufficiently describe the claimed invention to have placed the public in possession of it. Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention. Accordingly, even if the claimed invention is disclosed in a printed publication, that disclosure will not suffice as prior art if it is not enabling. It is not, however, necessary that an invention disclosed in a publication shall have actually been made in order to satisfy the enablement requirement." Id. at 533. See also, In re Borst, 52 C.C.P.A. 1398, 345 F.2d 851, 855, 145 USPQ 554, 557 (1962) ("the disclosure must be such as will give possession of the invention to the person of ordinary skill. Even the act of publication or the fiction of constructive reduction to practice will not suffice if the disclosure does not meet this standard."). Therefore, to be an enabling, and therefore an anticipatory reference, a reference cited by the Examiner must enable one of ordinary skill in the art to make or practice the invention without undue experimentation, as evaluated based on the knowledge of one of ordinary skill in the art as of Applicant's priority date. Applicant asserts that the teachings of Salvo would not be sufficient to enable one of ordinary skill in the art to make or practice Applicant's invention. In support of Applicant's position, Applicant has attached the declarations of Jas Kalsi, Wallace E. Reeves, and Roy Rubin. Each declarant had at least the level of knowledge associated with one of ordinary skill in the art at the time Applicant's invention was made, and each declarant has asserted that one of ordinary skill in the art at the time the invention was made would not have been able to use the disclosure in Salvo to build a system such as that recited in Applicant's claims. Declarants' assertion is based in part on the fact that Salvo teaches real-time inventory monitoring, not providing real-time access to inventory information. Therefore, Salvo would not enable one of ordinary skill in the art to make or practice Applicant's claimed invention, and Applicant respectfully requests that the Examiner withdraw the rejection.

Response to Rejection Under 35 U.S.C. §103

The Examiner rejected Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Salvo. The Examiner's "principle (sic) position is that the claims are anticipated because of the inerencies (sic) in Salvo such as 'reserved and ordered' inventory information". Applicant respectfully traverses the rejection. For the purposes of this response, it is assumed that the Examiner intended to argue that monitoring of "reserved and ordered" inventory information is inherent in Salvo. In the event Applicant's interpretation of the Examiner's argument is incorrect, Applicant reserves the right to withdraw or amend this Response. Applicant respectfully traverses this rejection. As the Examiner points out in paragraph 42, inherent elements in the prior art, like directly disclosed elements in the prior art, must be shown by a preponderance of the evidence, and the vague basis provided by the Examiner does not meet this evidentiary standard. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

The Examiner also argued that, "if not inherent, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Salvo to include a database that stores on-hand, reserved, and ordered inventory information". Applicant respectfully traverses this rejection as well. It is Applicant's position that Salvo does not explicitly or inherently teach all elements of Applicant's claimed invention. In support of Applicant's position, Applicant has attached the declarations of Jas Kalsi, Wallace E. Reeves, and Roy Rubin. Each declarant had at least the level of knowledge associated with one of ordinary skill in the art at the time Applicant's invention was made, and each declarant has asserted that Salvo does not explicitly or inherently disclose that storage of on-hand, reserved, and ordered inventory information in a database, nor would storage of such information have been obvious to one of ordinary skill in the art at the time the invention was made. The Court of Appeals for the Federal Circuit has consistently held that "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745 (Fed.Cir.1999) (internal citations

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omitted). Salvo does not explicitly or inherently teach or suggest pushing information to a client. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

Applicant further asserts that the Salvo reference teaches away from Applicant's claimed invention. The Court of Appeals for the Federal Circuit has consistently held that it is "error to find obviousness where references 'diverge from and teach away from the invention at hand'." In re Fine, 5 U.S.P.Q. 2d 1596, 1599 (Fed. Cir. 1988). The Salvo system includes a storage for inventory, an indicator for monitoring and reporting the level of current inventory, and a controller for receiving information from different inventory suppliers and for integrating such information with information on current inventory amounts and estimated future use to decide if an order for replacing inventory should be made. (Abstract). Salvo teaches, however, that the "plant management obtains the analyzed information in an end form, without seeing the raw data that has been analyzed. ... Accordingly, plant management does not see ... the processes used by the control unit to analyze the information, and merely obtains the analyzed information." (Column 7, lines 27-37). Applicant's claims clearly recite providing what Salvo would consider to be raw inventory information to an end user via a client, rather than hiding the information from the end user, and thus Salvo teaches away from Applicant's claimed invention. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

The Examiner rejected Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Johnson. The Examiner's "principle (sic) position is that the claims are anticipated because of the inerencies (sic) in Johnson such as 'reserved and ordered' inventory information". Applicant respectfully traverses the rejection. For the purposes of this response, it is assumed that the Examiner intended to argue that monitoring of 'reserved and ordered' inventory information is inherent in Johnson. In the event Applicant's interpretation of the Examiner's argument is incorrect, Applicant reserves the right to withdraw or amend this Response. As the Examiner points out in paragraph 42, inherent elements in the prior art, like directly disclosed elements in the prior art, must be shown by a preponderance of the evidence, and the vague basis provided by the Examiner does not meet this evidentiary standard. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

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The Examiner also argued that, “if not inherent, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Johnson ‘989 to include a database that stores on-hand, reserved, and ordered inventory information”. Applicant respectfully traverses this rejection as well. It is Applicant’s position that Johnson does not explicitly or inherently teach all elements of Applicant’s claimed invention. In support of Applicant’s position, Applicant has attached the declarations of Jas Kalsi, Wallace E. Reeves, and Roy Rubin. Each declarant had at least the level of knowledge associated with one of ordinary skill in the art at the time Applicant’s invention was made, and each declarant has asserted that Johnson does not explicitly or inherently disclose that storage of on-hand, reserved, and ordered inventory information in a database, nor would storage of such information have been obvious to one of ordinary skill in the art at the time the invention was made. The Court of Appeals for the Federal Circuit has consistently held that “[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745 (Fed.Cir.1999) (internal citations omitted). Johnson does not explicitly or implicitly teach or suggest pushing information to a client. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

The Examiner rejected Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Peterson. The Examiner’s “principle (sic) position is that the claims are anticipated because of the inerencies (sic) in Peterson such as ‘reserved and ordered’ inventory information”. Applicant respectfully traverses the rejection. For the purposes of this response, it is assumed that the Examiner intended to argue that monitoring of ‘reserved and ordered’ inventory information is inherent in Peterson. In the event Applicant’s interpretation of the Examiner’s argument is incorrect, Applicant reserves the right to withdraw or amend this Response. As the Examiner points out in paragraph 42, inherent elements in the prior art, like directly disclosed elements in the prior art, must be shown by a preponderance of the evidence, and the vague basis provided by the Examiner does not meet

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this evidentiary standard. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

The Examiner also argued that, “if not inherent, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Peterson to include a database that stores on-hand, reserved, and ordered inventory information”. Applicant respectfully traverses this rejection as well. It is Applicant’s position that Peterson does not explicitly or inherently teach all elements of Applicant’s claimed invention. In support of Applicant’s position, Applicant has attached the declarations of Jas Kalsi, Wallace E. Reeves, and Roy Rubin. Each declarant had at least the level of knowledge associated with one of ordinary skill in the art at the time Applicant’s invention was made, and each declarant has asserted that Peterson does not explicitly or inherently disclose that storage of on-hand, reserved, and ordered inventory information in a database, nor would storage of such information have been obvious to one of ordinary skill in the art at the time the invention was made. The Court of Appeals for the Federal Circuit has consistently held that “[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745 (Fed.Cir.1999) (internal citations omitted). Peterson does not explicitly or implicitly teach or suggest pushing information to a client. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

Applicant also asserts that the Peterson reference teaches away from Applicant’s claimed invention. The Peterson reference teaches an electronic information network for inventory control and transfer, which includes a process for distributing items, especially industrial maintenance repair and ordering (MRO) parts and supplies. This is achieved by interconnecting a plurality of vendors via a network, and permitting the vendors to communicate to the other vendors the current inventory quantity and current price of each item the vendor has for sale. However, Peterson specifically teaches that “A vendor may, of course, underreport the total number of the item that the vendor possesses...” (Column 3,

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lines 43-47). The underreporting of the inventory levels clearly teaches away from Applicant's invention, because it does not permit dissemination of accurate, real time inventory information. The Court of Appeals for the Federal Circuit has consistently held that it is "error to find obviousness where references 'diverge from and teach away from the invention at hand'." In re Fine, 5 U.S.P.Q. 2d 1596, 1599 (Fed. Cir. 1988). Applicant therefore respectfully requests that the Examiner withdraw his rejection.

Peterson also teaches a system in which "Vendors electronically send their inventory data files for each manufacturer they represent to the information network and the files are merged with the manufacturer's data and other network member's inventories under the same network listing. The merged data is then posted on the information network system." Although such merging may allow a customer to see the total number of a particular good that is available throughout all distribution channels, such merging does not, for example, allow an individual salesperson to properly report his or her inventory to customers. Again, this teaches away from Applicant's invention, because it does not permit dissemination of accurate, real time inventory information. The Court of Appeals for the Federal Circuit has consistently held that it is "error to find obviousness where references 'diverge from and teach away from the invention at hand'." In re Fine, 5 U.S.P.Q. 2d 1596, 1599 (Fed. Cir. 1988). Applicant therefore respectfully requests that the Examiner withdraw his rejection.

Response to the Examiner's Other Assertions

The Examiner makes a "factual determination" in paragraph 34 of the Office Action that "'push-pull technology' is old and well known in the art and well within the knowledge of one of ordinary skill in this art". Applicant respectfully traverses this "factual determination" and asserts that this is an improper attempt to broaden the scope of an obviousness-type rejection without meeting the formal requirements therefor. In support of Applicant's assertion, Applicant first calls to the Examiner's attention the fact that the Examiner has not show that "push-pull technology" was well known in the relevant arts at the time the invention was made. Still further, the Examiner has not attempted to provide any motivation for combining the references cited as part of this factual determination with any of the references cited in the substantive portion of the Office Action. Citing references which merely indicate that isolated elements and/or features recited in the claims are known

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is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. Ex parte Hiyamizu 10 USPQ2d 1393 (BPAI 1988).

Applicant also traverses the Examiner's factual determinations that custom software is used in inventory systems such as web browsers; reserve quantities of inventory are kept, and inventory is returned.

In his response to Applicant's previous arguments, the Examiner also asserts, in paragraph 37, that issued patents have a presumption of validity, and that therefore the lack of enablement argument presented by Applicant is not proper. However, the Examiner is misconstruing the law in this case. An issued patent is entitled to a presumption of validity, and therefore enablement, with respect to the invention claimed therein. However, an issued patent is not entitled to a presumption of enablement with respect to other claims, including those pending in an application by another, as in this case.

Applicant again respectfully traverses the Examiner's attempt to define terms used in the claims, including without limitation the factual determinations and legal reasoning associated therewith. In arguing his position, the Examiner has again misconstrued the law. The Examiner asserts that Applicant's arguments are open-ended examples, and therefore they do not provide lexicographic definitions. In support of his position, the Examiner cited Prima Tek II LLC v. Polypap S.A.L.R., 318 F.3d 1143, 1150-51, 65 USPQ 2d 1818, 1823 (Fed. Cir. 2003). Prima Tek was an appeal of a summary judgment decision in which defendant had convinced the lower court to read limitations into the term "floral holding material" as used in the claims based on illustrative examples contained in the specification. In response, the Court of Appeals for the Federal Circuit noted that "the written description makes quite clear that the open-ended examples of 'floral holding material' are merely illustrative; that is, they do not exhaustively delineate the 'floral holding material' that is clearly defined in the claims." Furthermore, the "varied use of a disputed term in the written description demonstrates the breadth of the term rather than providing a limited definition." Prima Tek, 318 F.3d at 1151, 65 USPQ2d at 1823. The Prima Tek holding is that it is improper to read limitations into a claim term based solely on illustrative embodiments described in the specification. Prima Tek does not support the Examiner's position that open-ended definitions are not lexicographic definitions. Applicant's undersigned

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representative is not aware of any case law that supports the Examiner's position that open-ended terms cannot ever be used in lexicographic definitions. Applicant again asserts that the specification provides support for broader definitions than many of those proposed by the Examiner in the initial Office Action in this case.

Applicant also traverses the Examiner's assertion that amending the claims is a per se indicator of a lack of lexicographic intent. In support of his position that "by amending the claims and using the *claims* to define scope and meaning, Applicants (sic) have not resorted to lexicography or any of the other three (3) methods of incorporating the specification into the claims" and that Applicant is therefore not his own lexicographer, the Examiner cites CCS Fitness Inc. v. Brunswick Corp., 228 F.3d 1359, 1366-67, 62 USPQ2d 1658, 1662-63 (Fed. Cir. 2002). The Examiner is misconstruing the holding in CCS Fitness. As the court itself states, the four-factor factors recited in CCS Fitness are ways in which a court may "constrict the ordinary meaning of a claim term", not a litmus test against which lexicography is determined. In fact, only the first factor deals with lexicography, and that factor states that a "...claim term will not receive its ordinary meaning if the patentee acted as his own lexicographer and clearly set forth a definition of the disputed claim term in either the specification or prosecution history." Id at 1366. Applicant respectfully asserts that he has met this requirement with respect to the Internet and client terms, and that other terms may be similarly defined by the specification.

Still further, Applicant respectfully traverses the Examiner's assertion that Borland's Paradox for Windows User's Guide is evidence of what is basic knowledge or common sense to one of ordinary skill in this art, and that "one of ordinary skill in this art must – at the very least – be aware of and understand the knowledge and information contained within the reference". In making this assertion, the Examiner relies upon In re Lee, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). In In re Lee, the Court of Appeals for the Federal Circuit held that a proper basis must be provided for any obviousness or other arguments presented by the Examiner and/or the Board of Patent Appeals and Interferences. Nothing in In re Lee authorizes the Examiner to make a factual finding as to minimum requirements needed for a person to qualify as one of ordinary skill in the art, especially where such requirements are based on a single reference manual.

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CONCLUSION

Having responded to all rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

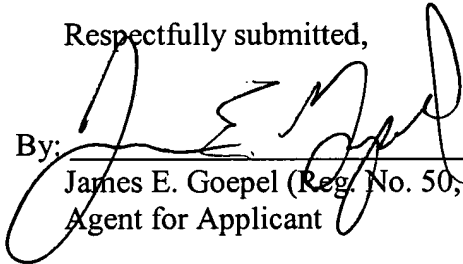
AUTHORIZATION

A check for \$905.00 accompanies this Response, and includes fees to cover a three-month extension of time, as well as the fees associated with the contemporaneously filed Request for Continued Examination. The Commissioner is also authorized to charge any additional fees associated with this filing, or credit any overpayment to Deposit Account No. **50-0653.**

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